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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205388
Party	Defendant Monster Energy Company
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Submission	Answer
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Date	07/10/2012
Attachments	2012-07-10-ANSWER TO NOTICE OF OPP-HANBEV.1302M.pdf (5 pages) (174520 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

USA NUTRACEUTICALS GROUP, INC. AND
ULTRA-LAB NUTRITION, INC., D/B/A BEAST
SPORTS,

Opposers,

v.

MONSTER ENERGY COMPANY,

Applicant.

Opposition No.: 91205388

Serial No.: 85/543622

Mark: REHAB THE BEAST!
WWW.MONSTERENERGY.COM

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Monster Energy Company, formerly known as Hansen Beverage Company, a Delaware corporation, located and doing business at 550 Monica Circle, Suite 201, Corona, California 92880, ("Applicant") hereby answers the Notice of Opposition filed by USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc., d/b/a Beast Sports against Application Serial No.: 85/543,622 as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition, and therefore denies these allegations.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition, and therefore denies these allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition, and therefore denies these allegations.

4. Applicant admits the allegations contained in Paragraph 4 of the Notice of Opposition.

5. Applicant denies the allegations contained in Paragraph 5 of the Notice of Opposition to the extent that it claims that Application Serial No. 85/543,622, to register REHAB THE BEAST! WWW.MONSTERENERGY.COM is limited only to "Nutritional supplements in liquid form" (IC 005), but otherwise admits these allegations.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice of Opposition, and therefore denies these allegations.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition, and therefore denies these allegations.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice of Opposition, and therefore denies these allegations.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition, and therefore denies these allegations.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice of Opposition, and therefore denies these allegations.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice of Opposition, and therefore denies these allegations.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Notice of Opposition, and therefore denies these allegations.

13. Applicant denies that the application being opposed is an intent-to-use application, and Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 13 of the Notice of Opposition, and therefore denies these allegations.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Notice of Opposition, and therefore denies these allegations.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Notice of Opposition, and therefore denies these allegations.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Notice of Opposition, and therefore denies these allegations.

17. Applicant denies the allegations contained in Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations contained in Paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations contained in Paragraph 19 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

Without admitting or acknowledging that Applicant bears any burden of proof as to any of them, Applicant asserts the following affirmative defenses. There may be additional affirmative defenses to the claims alleged by Opposers that are currently unknown to Applicant. Therefore, Applicant reserves the right to amend its Answer to allege additional affirmative

defenses in the event that Applicant's discovery of additional information indicates that they are appropriate.

FIRST AFFIRMATIVE DEFENSE

The Notice of Opposition fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposers' claims are barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

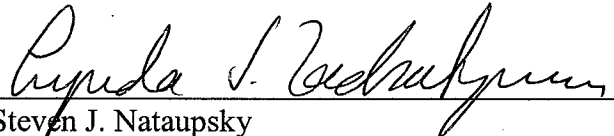
Opposers' claims are barred by the doctrine of laches, waiver, estoppel and/or acquiescence.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark. Please charge Deposit Account No. 11-1410 for any fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/10/12

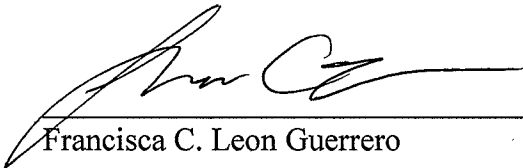
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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on July 10, 2012, addressed as follows:

Ryan M. Kaiser
AMIN TALATI, LLC
225 N. Michigan Ave., Suite 700
Chicago, IL 60601



Francisca C. Leon Guerrero

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